



# Get the word out!

Effectively using social  
media in Kentucky law  
enforcement.

KELLY FOREMAN | PROGRAM COORDINATOR



It is nearly impossible to ignore social media today. Whether you pick up a Coke at McDonald's or watch a news broadcast, you will be inundated with QR codes, hash tags and Facebook links.

For a law enforcement agency, abstaining from a social media presence in the current culture is becoming the equivalent of leaving your handcuffs at home. It's a tool that has become a critical part of the job.

"Whether they like it or not, agencies today really aren't in the position to put their heads in the sand and pretend it's a fad and going to go away," said Nancy Kolb, senior program manager for the International Association of Chiefs of Police Center for Social Media. "It is going to affect the work any law enforcement is doing. Certainly from the investigative side of things, officers are using it, people

in communities are using it — it is not something that can be readily ignored."

Like any tool on your duty belt, social media is not something you can assume you know how to use. It takes training, forethought and consideration to understand its full potential and the risks involved. However, in an economic era of budget cuts and short-staffed departments, making social media a priority may seem unrealistic.

When you begin to think about social media as a branch of community policing, though, and understand the impact it can have on your agency's relationship with the public, investing time into using it appropriately may not be such a stretch.

#### HOW CAN SOCIAL MEDIA BENEFIT MY AGENCY?

Police One Associate Editor Loraine Burger contends there are four main areas in which having a social media presence can benefit an agency:

- Building a trustworthy relationship and a sense of community by engaging with each other
- Gaining control over the department's reputation with the community
- Providing a forum for people to ask questions and for you to share the answers and other tips
- Spreading knowledge quickly and with minimal effort that could protect your community, help catch suspects, find missing persons and more.

Notice a common theme? Community policing is a concept of which we all understand the benefits. So it should come as no surprise that with that in mind, some are calling social media the new community policing, according to Kolb.

"It really is community policing in modern times because you are meeting people in the communities where they are," she explained. "Frankly, a lot of us are spending time in online communities. It might be challenging in a community to have people attend a town hall meeting about a crime problem. But by putting that

information out on social media and letting people respond to it in their time, you can have a really wonderful, engaging, two-way conversation about issues without someone having to be at a particular location at a particular time."

Franklin County Sheriff Pat Melton said his agency has invested a significant effort into social media for that very reason. His deputies, he said, continue to have a visible presence throughout the county daily, talking to citizens and performing their primary face-to-face duties as always. But given the proliferation of smart phones, he said social media has become an invaluable tool for the agency.

"There are more than 152 million users on Facebook," he said. "Twitter has more than 37 million users, Wordpress has 30 million, LinkedIn has 28 million, Pinterest has 27 million and Google Plus has more than 26 million. The mobile viewing public is 171.8 million, and that's the social networking audience you're targeting. Those are huge numbers and that's where it's at."

When he took office, Melton said he fielded continuing complaints from community members who had had enough with drugs and theft in Franklin County. Melton uses social media as a way to show citizens that his agency is "out fighting for this community."

"It's one thing to say we seized \$10,000, four guns and got a bunch of pills off the street," he continued. "But when you can show a picture and say, 'Here's what we're talking about, this is what our deputies encountered,' you can't buy that kind of information sharing."



PHOTO BY JIM ROBERTSON

▲ Franklin County Sheriff Pat Melton talks about the numerous ways social media has benefitted his office. Melton and his chief deputy maintain the agency's popular Facebook page.

#### HOW DO I GET STARTED?

Once you've decided to engage in social media, knowing how to get started can be overwhelming. Before you can know where to start, though, you have to know what you want in the end, Kentucky State Police Commissioner Rodney Brewer said.

"What is it you want to achieve and where do you want to go with it?" he asked.

Do you want to share images and press releases from significant cases? Do you want to upload photos of your officers so the community can put a face with a name? Do you want to encourage

community involvement? Make a list, review other agencies' social media platforms and decide the type of outreach that best suits your department.

"If you view it from what you hope to accomplish, you can make people better aware of the positive things you're doing and the challenges you're facing," Brewer said. "It also gives you a platform to discuss current issues. The better people are aware of what you're doing, the harder it is to hate and disagree."

Kolb agreed.

"In terms of establishing a presence, you really have to understand why it is you're interested in using social media and know how you intend to use it," she said. "What are your goals for using social media? That is going to dictate your next steps. Are you trying to solicit more tips from the public or are you trying to get out more crime prevention information? Those are two different things, and how you would approach them on social media and what platform you use will be different."

"Knowing your end goal can help you identify what platforms you want to use, what kind of content you will be sharing and what level of engagement your agency is comfortable with," Kolb continued.

Step two is perhaps the most important, said Sherry Bray, KSP media >>

*"In terms of establishing a presence, you really have to understand why it is you're interested in using social media and know how you intend to use it..."*





>> coordinator. Make sure you get a policy in place before you start posting online.

"I know because we did it backwards," Bray said. "We did not have a policy in place when we started. In our minds, we assumed everybody who wears a grey or tan uniform would have the same mindset and would never post anything used in a different way than we intended. We found out really quick we needed a policy. This is our branding and our logo. Others were posting to their personal pages in uniform or the KSP polo shirt and it was not like the image we were trying to portray. We started with the IACP model policy and I always tell people, if you don't have something to start with, utilize that."

KSP's experience is very typical, Kolb said. Many times agencies jump into social media feet first and then have to back pedal. Too often agencies create Facebook pages or Twitter accounts because "every other department has one," or "the city manager says we are supposed to have one," she said. Creating an account blindly

is dangerous because there are inherent risks involved when law enforcement engages in social media.

But pitfalls aside, failing to be organized and professional online presents an image to the public that your agency is disorganized and unprofessional. Knowing what is going to work for your department requires some thoughtful, strategic planning.

"Different agencies are going to use social media differently," Kolb said. "If the agency wants to use social media to get out traffic alerts, YouTube is probably not going to be an effective platform. Let's say you use Twitter instead. You're going to have a much different experience."

No matter what platforms you choose or how you decide to engage your community,



#### ◀ Need a policy?

The International Association of Chiefs of Police has created a model policy for social media that can be found by scanning this QR code with your smart phone, tablet or visit <http://www.iacpsocialmedia.org/Portals/1/documents/Social%20Media%20Policy.pdf>

KSP's Brewer stressed that while social media can be an effective tool, it should not supersede traditional community policing.

"We tell our troopers that there is nothing, nothing, nothing that will ever replace one-on-one human contact," he said. "This is a great supplement. It reaches people we would never be able to reach. But it will never replace that one-on-one encounter at a restaurant, at a fence line or on the side of the road. That is always going to be our strongest point."

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## What is social media?

Social media is integrated, web-based technology that allows users to generate content, then share that content through various connections. Examples of social media include blogs, social networking sites, microblogging sites, photo- and video-sharing sites, wikis, mashups and virtual worlds. With millions of active users on hundreds of sites, social media has become the way people do business, engage with others and share and gather information. Social media is one of the many tools law enforcement can use to communicate with their community.

— From IACP CFSM

## LEADING IN LIKES: See which agencies nationally are getting the most attention on Facebook

Across the nation, law enforcement agencies use Facebook to get involved in their communities. Provided by the International Association of Chiefs of Police's Center for Social Media, the following are agencies — divided into size categories — that have the largest Facebook followings.

Three Kentucky agencies ranked among the top five in their divisions. Perform a quick search of these agency names to see what they're doing to garner so much community interaction.

*Likes were current as of Oct., 2014.*

### Campus Law Enforcement Agencies

University of Texas at Austin Police Department (14,574)

### State Law Enforcement Agencies

Massachusetts State Police (136,628)

The Kentucky State Police ranked number four with 95,650 likes.

### Law Enforcement Agencies — 1 to 5 Sworn Officers

Kenyon, Minn., Police Department (19,687)

The Fulton County Sheriff's Office ranked number five with 2,324 likes.

### Law Enforcement Agencies — 6 to 15 Sworn Officers

Brimfield, Ohio, Police Department (164,534)

The Franklin County Sheriff's Office ranked number two 7,707 likes.

### Law Enforcement Agencies — 16 to 25 Sworn Officers

Walker, La., Police Department (11,583)

### Law Enforcement Agencies — 26 to 49 Sworn Officers

Wayne County, Ohio, Sheriff's Office (27,268)

### Law Enforcement Agencies — 50 to 99 Sworn Officers

Rosenberg, Texas, Police Department (70,138)

### Law Enforcement Agencies — 100 to 249 Sworn Officers

Huntington Beach, Calif., Police Department (29,291)

### Law Enforcement Agencies — 250 to 499 Sworn Officers

Stockton, Calif., Police Department (67,984)

### Law Enforcement Agencies — 500 to 999 Sworn Officers

Polk County, Fla., Sheriff's Office (74,495)

### Law Enforcement Agencies — 1,000+ Sworn Officers

New York City, N.Y., Police Department (287,751) ■

Franklin County Sheriff Pat Melton keeps the office's Facebook page up to date with the latest news and activity that affects the community.



# Are you ready?

KELLY FOREMAN | PROGRAM COORDINATOR

## How one Kentucky agency built a top-ranking, worldwide social media platform

**"T**his is the true story, and it's funny, because they kind of drug me into this social media world," said Kentucky State Police Commissioner Rodney Brewer. "[Public Affairs Office staff members] came in one day and said, 'We've got an idea, are you ready?' Because they know they kind of have to get me fixated."

"I said, 'I'm ready, go ahead.'"

"They said, 'We want to start an agency Facebook account,'" Brewer recalled. "And they stepped back to watch my reaction. I said, 'OK, we'll do that. We're going to start slow and make it very conservative.' To be honest with you, I thought, 'We'll get 3,000 to 4,000 followers and it will die a quiet death.'"

Boy was he wrong. As of October, KSP held the record for the second largest Facebook following among state police agencies in the nation with just shy of 100,000 likes.

### FOLLOW US ON FACEBOOK

"This was five to six years ago when we started, and not a lot of law enforcement agencies were doing it then," said Sherry Bray, KSP media coordinator — one of the brave souls who pitched the social media idea to Brewer. "I just couldn't believe it when each week we were picking up 1,000 fans at a time. We were really just putting press releases out, sharing current events, trooper island fundraisers — and people

were commenting on it. I was just amazed at the response."

In the beginning, Bray said she began researching other law enforcement agencies that had successful Facebook pages — something she encourages any agency beginning a social media platform to do.

"You have to find people who have established pages and a good audience, reach out to them and see what they're doing," she said.

Dallas Police Department was one of those agencies, Bray said, that had a

significant following that included several law enforcement agencies. They offered to extend a "shout out" to KSP on their page and other agencies followed suit to help KSP kick-start its fan base.

"Then we promoted it on everything," Bray continued. "We used the QR code on brochures so people could scan it and go directly to our page. Otherwise it was generally word of mouth sharing it."

As their Facebook page continued to gain momentum, Brewer said Bray and her cohorts approached him again.

"Feeling rather heady now, they looked at me and said, 'We've got another idea, are you ready?'" Brewer said.

"I said, 'I'm with you.' And they said, 'commissioner's blog.' And they stepped back to watch my reaction," he continued.

Brewer, who is admittedly hands off when it comes to social media, jokingly asked the team to explain what a blog was before agreeing to the idea, under certain conditions.

"I said, 'OK, here's the deal. I write all my own stuff and I'm only going to be able to push out about one a month,'" Brewer explained. "They said, 'OK.' And [the blog] takes off."

Today the blog is rated one of the top 25 law enforcement blogs in the world, according to Criminal Justice Degree Schools.

"I'm not saying this to be humble, but when we first started the blog, I thought, 'Who wants to read what I write?' Brewer said. "I mean, really. But they do, and I think there's a tremendous amount of genuine public interest out there as to what we are doing."

Some of his entries are about things officers may take for granted, he said, but that are interesting to the tax paying public. For example, Brewer recently wrote about choosing Dodge Chargers for the agency and what goes into getting the vehicles ready and into the hands of a trooper.

Brewer's blog typically is a mix of practicality, leadership musings and "general Rodney Brewerisms," he said. The reach of the blog is something that still surprises him. On one particular entry, Brewer said his staff brought him statistical results following the post indicating it had more than 600 hits from readers in the first 30 minutes. Two were from Korea and a third from Germany.

"That's the bizarreness of the social media world," he said. "Who would have thought that would have been possible 20 or 30 years ago? I think the interest is out there."

### FROM FACEBOOK TO SOCIAL MEDIA PLATFORM

"On the heels of all this momentum and success they come back and said, 'We've got an idea, are you with us?' Brewer said.

"I said, 'I'm with you,'" he continued. "They said, 'We want you

to start tweeting.' I said, 'Get out of my office. Get. Out. Of my office.'"

"So I kicked them out, but they were very serious about us beginning to have a Twitter account under the agency name," Brewer said. "It has been surprisingly helpful to us on a multitude of fronts."

In 2011 when NASCAR fans convened on the Kentucky Speedway, traffic was so ensnarled that attendees began tweeting about the "carmageddon." In 2012 KSP used Twitter to reach fans traveling to the race and traffic issues were drastically improved.

"Jimmie Johnson, one of the race car drivers, even retweeted one of our messages, which gave it a tremendous amount of credibility to the motoring public," Brewer said. "People are in the mindset that they pay attention to that. No one turns on the radio anymore to hear about traffic. They're watching tweets."

Twitter also has gotten information back to KSP faster than ever, Bray said. Sitting at a barbecue one day, Bray said she received a tweet indicating an officer had been involved in a car crash.

"A person who was at the scene tweeted it out before I ever heard about it from post," Bray said. "It had just happened. She tagged KSP saying, 'I just saw a trooper get hit on the side of the road.' There have now been several times when we have

learned about incidents on social media before our processes actually went through the teletypes or post calling the chain of command."

As the social media trend continued to grow and become an integral part of public communication, KSP's media platform has followed closely behind. With Facebook and Twitter accounts going strong and the commissioner's blog keeping pace, the agency began looking at a way to show the public the softer side of troopers. They have found that niche in Instagram, Brewer said.

"It is photos of troopers reading to school kids," he said. "Some of our folks off duty helping folks in flood-ravaged areas, manning a food bank at Christmas time. All those things are good because I think we really want to see the human face of our agency, and I think Instagram fits that bill."

However, Brewer warned agencies should always be guarded in what they share and be cognizant of whether or not it meets the agency's mission. As an example, he shared an instance he and Bray discussed regarding a photo of him with a celebrity. Brewer sits on the board for Unbridled Eve, a non-profit that helps raise funds for Trooper Island.

"I was fortunate enough to get my photograph taken with Robin Meade, the CNN Morning Express national news anchor who is absolutely drop-dead gorgeous," Brewer said. "My videographer >>

▼ The Kentucky State Police Twitter feed reaches more than 17,000 followers across the state. It is one of several platforms the agency uses to connect with citizens.





“*In the three years since its inception, KSP has published more than 30 video segments to its YouTube page — including one that reached more than 50,000 viewers nearly overnight.*”

>> who was there took the photo with his phone and sent it to Sherry [Bray]. I, of course, shared it with a couple million of my closest friends. But on Monday morning I came in and Sherry says, ‘I saw the photo of you and Robin Meade, what do you think about putting it up on Instagram?’ I said, ‘Why would we do that?’

“She looked at me and said, ‘Because it’s cool.’ I said, ‘Let’s don’t confuse cool with what our mission and purpose is.’ It’s cool — especially if you crop me out, it’s really cool. But all kidding aside, it’s always a balancing act with social media. You have to decide if what you’re posting is really helping further the agency’s purpose and mission. I’m no social media expert, but I think the basis for our success has been that we have had very conservative guidelines on what we put out there and how it’s structured.”

#### REALIZING A VISION

Twenty years ago, Brewer said he had an idea based on his fascination with Kentucky Department of Fish and Wildlife Resource’s television program, “Kentucky Afield.” Nearly two decades ago, Brewer approached

the Kentucky Educational Television network with a proposal to highlight the state’s law enforcement agency and KET agreed it would be a hit, he said.

“That’s where the brakes hit,” Brewer said. “I said, ‘OK, what do we do now?’ They

said, ‘Well, we need to film a pilot, put it out there, rate it and see how people react to it.’ So I said, ‘What does it cost to film a pilot?’ And they said about \$30,000.

“I gulped hard,” he continued. “I was a major at the time and I thought, ‘I can see me selling this.’ So I asked, on a larger front, if this thing were to go, what kind of budget would we have to earmark to push out a weekly show with summer off, kind of like Kentucky Afield was. Jenny Fox, who was the president at the time, said, ‘You’re probably looking at a million dollars a year.’

“I gulped hard, said, ‘OK,’ got me a nice manila folder, put all the materials in it, put it in my desk drawer and said, ‘We’ll deal with that later,’” Brewer said. “About 16 or 18 years later this thing called social media broke into the world, and a subsection of that was this amazing thing called YouTube. All of a sudden I realized we don’t have to have

a major network. We don’t have to have a full-blown studio. We can push this out ourselves. And that’s how KSPtv was born.”

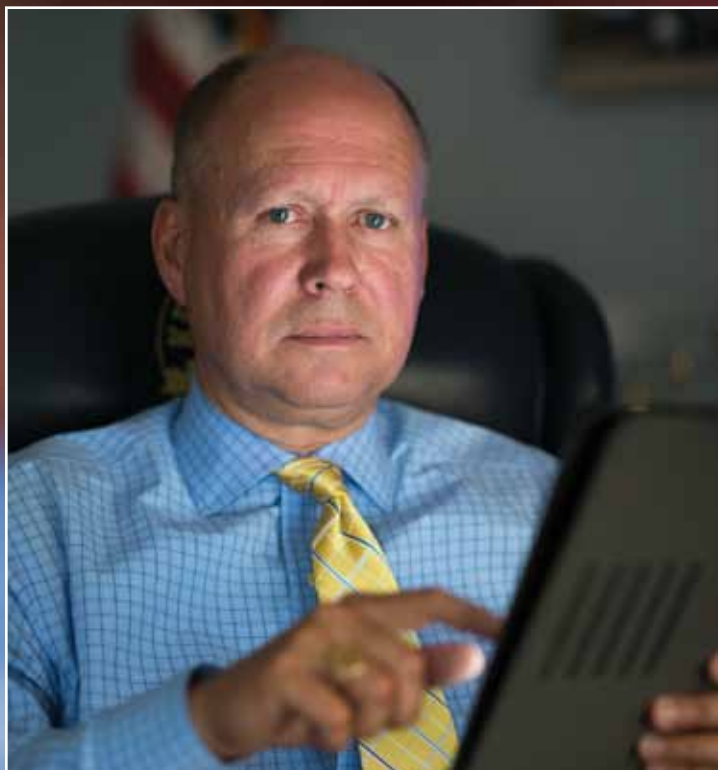
In the three years since its inception, KSP has published more than 30 video segments to its YouTube page — including one that reached more than 50,000 viewers nearly overnight. KSP is investigating the murder case of Bardstown Police Officer Jason Ellis. On the first anniversary of Ellis’ death, KSP released a video reaching out to the public for answers that could lead to an arrest in the case.

“The video went viral,” Bray said. “We went to the scene of the shooting and people just really identified with that and started sharing it. We reached out to different police agencies and said, ‘Hey, we’re going to be emailing you a link to this video, we would appreciate it if you would put it on your site.’ And it just went crazy all across the country,

people were reposting it. It was a really good example of how social media can hit such a big audience. I’m not at liberty to talk about the case, but I can say we were flooded with a lot of new phone calls and that type of thing.”

“It just shows the power and viewership of YouTube and social media,” Brewer added. “I got emails from classmates in England and Australia asking me questions about it. We haven’t solved the crime yet — I’m confident we will. But I think it’s just an amazing thing that 20 years ago we never would have thought about. And you never know who’s going to see that who might know something, or know somebody who knows something that could lead to a true break in the case.”

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▲ Kentucky State Police Commissioner Rodney Brewer has worked together with the agency’s media coordinator, Sherry Bray, to create a social media network that is appropriate and useful for the agency.

PHOTOS BY JIM ROBERTSON





# Uh-oh:

## THE PITFALLS AND DANGERS OF SOCIAL MEDIA IN LAW ENFORCEMENT

KELLY FOREMAN | PROGRAM COORDINATOR

Few things ring truer when it comes to social media and policing than the old adage that the road to hell is paved with good intentions. What may seem like a good idea can quickly spin out of control when it is submitted online to an audience of millions.

The New York Police Department found this out the hard way earlier this year with their #myNYPD campaign on Twitter. The campaign's creator hoped for photos shared with their online community of citizens hugging officers with smiling faces and promoting all the good the agency does in the Big Apple. Instead, what they got was an onslaught of messages vilifying the agency accompanied by photos claiming excessive force and brutality.

It could have happened to the Kentucky State Police, said Sherry Bray, KSP media coordinator.

"Our Instagram page is more community oriented with photos of troopers giving blood, reading to kindergarteners and running 5Ks for cancer research," Bray said. "It is a little more personal. We were thinking about doing some sort of Instagram contest to increase our following right about the time the whole NYPD thing happened. When that hit, we thought, wow. They totally thought they were going to do something that would be so community oriented — hugging an NYPD officer — and that turned on them so badly. I felt so sorry for them. We have to be so careful

about what we do. We could have been right there with them."

This summer when a Ferguson, Mo. officer fatally shot a citizen, the local police agency followed its standard protocol for releasing information about the incident the next morning to media outlets. But by that time, some argue, the chief's comments were irrelevant. An uprising already had begun on Twitter and the official story of what actually took place was lost amidst an outcry of tweets claiming racism and excessive force.

"Social media really has changed the game for law enforcement," said Nancy Kolb, senior program manager for the International Association of Chiefs of Police Center for Social Media. "It has implications on everything they do. Certainly in an age where we have a 24-hour news cycle and instantaneous communication, it presents a real challenge for law enforcement in terms of trying to get their message out and being responsive and proactive with the public.

► NYPD launched a social media campaign using the hashtag #myNYPD. The goal was to share images like the one here of the good community relations the agency has with its city. The campaign didn't exactly turn out as planned.

"In a lot of ways, information is no longer in the pervue of that particular agency," Kolb continued. "A lot of incorrect information goes out on social media and agencies have to combat that. Not only are they trying to do their job and investigate a situation, now they also have to respond to inquiries and rumors that aren't true. It certainly requires resources that deviate from solving crime."

When Bray conducts training with other police agencies regarding social media, she said the biggest concern administrators express is what to do when something derogatory is said about the agency online.

"I tell them, 'These people have been saying something bad about you for years, but it has been around the water cooler,'" Bray said.



Following the release of New York Police Department's #myNYPD Twitter campaign, citizens with less-than-favorable opinions of the agency took to social media to share images with sarcastic comments accusing the agency of excessive force and more. The photos, taken out of context, cast a negative image on the agency. This is one of many ways engaging in social media can be harmful to law enforcement.

"Now it's in electronic format. It's out there and more people can hear it."

KSP has made it part of the agency's policy that if someone does post something negative about the agency on their social media platforms, they do not remove it, Bray said.

"Anybody can say what they want and we're going to leave it there as long as it is not derogatory about a specific individual and it isn't ridiculous," she said. "If we put something out there about a speed enforcement campaign, we sometimes get comments like, 'practice what you preach,' or 'speed traps are all about money.' We don't take those off. They have the right to say what they want about it.

"Nine out of 10 times, our followers respond to that and we never have to defend ourselves because they do it for us," Bray continued. "I joke that we have all these trooper mamas and when you mess with their babies or talk about the agency, they are the first to say, 'Hey, these men and women are working hard out there. You



always have a few bad apples, but they are out there putting their lives on the line.' We rarely have to say anything, and we make a point not to defend ourselves unless something is said that is wrong about the law."

The key is knowing that negativity is possible — and in some cases — inevitable. Agencies must be pro-active and maintain two-way communication with the public, whether it's good or bad.

"You have to take the bitter with the sweet," said KSP Commissioner Rodney

Brewer. "You'll have people on there who say, 'Those Dodge crushers are the coolest things I've ever seen in my life,' and the next tweet or comment is, 'Boy, that is the ugliest car I've ever seen.' Everybody has their own opinions, and sometimes it's healthy for people to be able to express that or vent that, depending on what it is. We try to stay pretty positive about it."

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# The Purge:

## LOUISVILLE METRO POLICE RESPOND TO SOCIAL MEDIA THREAT

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When prisons are overcrowded and crime is out of control, a 2022-era American government fights misconduct by allowing people to take the law into their own hands. For 12 hours once a year, evil is unleashed as murderers, rapists, robbers and wrong-doers are free to commit any crime free of punishment — all in the name of creating better communities. There is no police response and hospitals do not take victims.

It's known as The Purge — and is the premise of a 2013 horror flick by the same name. The film's tagline is simply "Survive the night." The original movie was so popular that a spin off hit the big screen in summer 2014 under the title, "The Purge: Anarchy." An upcoming film to complete the trilogy was announced in October, and Universal Studios created a scare zone devoted to the film in its annual Halloween Horror Nights.

But more films and haunted houses were not the only thing that spun off the movie's horrific plotline. A series of undaunted violent attacks have shaken

communities and threats of others hit as close to home as Louisville and Richmond this year.

The message of mass mayhem is easy to distribute on social-media platforms like Facebook and Twitter, where a makeshift movie poster was uploaded and distributed this summer in mere seconds, indicating Louisville as the intended location of a night of unrest. Once live on social media, it can be shared and spread across the world by anyone entertained by the notion of a night of misdeeds.

"It came to the attention of our Crime Information Center on a Sunday," said Louisville Metro Police Sgt. Phil Russell, commander of the agency's media and public relations unit. "Everybody knew that this was a play on the movie and that the likelihood of it being a legitimate threat was miniscule. However, on March 22 of this year, we had random violence that sprung up as a flash mob. Given the circumstances going on in Ferguson (Missouri) at the time, the whole country was on edge.

"We did not want to allow the idea that maybe had been created as a hoax to then

take hold as a catalyst for other members of the community to say, 'Yeah, let's carry this out,'" Russell continued.

Call it a coincidence, but the March 22 flash mob Russell mentioned occurred the same day as the Purge begins in the film. (The violence culminates after a 3,2,1 countdown — March 21 = 3-21.) The rampage also began at 7 p.m., the same time it began in the Universal Pictures film.

An LMPD release about the incident said, "The violence on March 22 began at the Waterfront, where around 200 teens gathered. At 7 p.m., hordes of kids attacked two men on the Big Four Bridge without provocation. The pack broke into smaller groups, some 50 teens deep, and spread

into downtown, robbing, beating, breaking windows, kicking cars and looting stores. Police scrambled to keep up with them, but the groups scattered and reformed, and the crime spree continued for several hours."

As a result, when the Purge threat began circulating on social media, LMPD took note.

"Yes, it's part of a movie," Russell said. "Yes, this is likely just something fake and intelligence seemed to back that up. But by then, the idea had already circulated through social media and those thought to be potential agitators through youth gangs. That's when we believed it was important to send the message that we were prepared."

Investigators identified the source of the poster as a teenager, located him and confirmed his intentions were nothing more than a prank.

However, Russell said, rumors were circulating about several copy cats, the media shifted its focus to police response and community members voiced their fear. When a local high school cancelled their football game in reaction to the threat, what started as a hoax became national news.

August 15 — the date of the supposed Purge — came and went without violence in Louisville that could be directly linked to the threat. While LMPD had officers on standby ready to respond to the call, Russell said a "major effort" was not necessarily devoted to the issue. The agency's Crime Information Center continued gathering intelligence through the night to monitor various social media sites in the event anything sprung to life.

"Social media certainly brought it to light in a much greater scale," Russell said. "Some members of the community wished

*We tried to find a balance between being as forthright as we could without creating a sense of panic or false fear. We also tried to send a message to would-be criminals that may take this threat as a catalyst to do something. That is always a difficult balance to strike when talking to the media.*

we would have come out and said, 'You don't need to worry about this.' But that wouldn't have been wise. ... It would have been easy for us to come out and say, 'Well, we found the one kid who put the poster together, all is well, you can go about your lives, he said he didn't mean it.'

In hindsight, Russell said there are a few things he wishes could have been done differently, but noted it's always easy to "Monday morning quarterback." The agency received criticism from some that the threat was blown out of proportion by the media and that LMPD was culpable because it legitimized the threat.

"I think it's wise of police, in light of the incidents in Ferguson, to be truthful and honest with people as quickly as possible," Russel said. "We tried to find a

balance between being as forthright as we could without creating a sense of panic or false fear. We also tried to send a message to would-be criminals that may take this threat as a catalyst to do something. That is always a difficult balance to strike when talking to the media. I wish there was a way we could have used social media on our own and posted something that maybe could have clarified our message better. That's an option.

"I think certainly that misinformation gets out there immediately," Russell continued, "and it is important for departments to be ready to respond and handle that as quickly as possible."

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◀ Need more help? Get it at the IACP Center for Social Media <http://www.iacpsocialmedia.org/>

The goal of the IACP Center for Social Media is to "build the capacity of law enforcement to use social media to prevent and solve crimes, strengthen police-community relations and enhance services. IACP's Center for Social Media serves as a

clearinghouse of information and no-cost resources to help law enforcement personnel develop or enhance their agency's use of social media and integrate Web 2.0 tools into agency operations.

The initiative, launched October 2010, was created in partnership with the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.



# There's an App for That.

## FLORENCE POLICE RELEASES NEW APP TO COMMUNITY

KELLY FOREMAN | PROGRAM COORDINATOR

There are a variety of reasons cops are urged to use caution when participating personally in social media platforms such as Facebook. You never know what can be used against you later in court, what personal information can be found by a criminal with a vendetta or what seemingly-innocent social networking message can land you in hot water professionally.

For that reason, Florence Police Cpl. Ryan Thoman elected to forego a personal Facebook page and rid himself

of the potential headaches. However, the Florence Police Department — in an effort to continually reach their citizenry online — maintains its own agency profile. So when during the course of an investigation, Thoman got a call in regard to a case the agency had posted to its page, he found himself in the dark.

"At that point I started thinking, 'What can we do to make sure everybody can get this information?'" Thoman said. "Not everybody has Facebook."

Soon thereafter Thoman pitched the idea of creating a departmental app — an agency-specific program that could be downloaded by citizens to their mobile devices, he said. When the idea was approved, he consulted with a media company to get the ball rolling.

"They said, 'Yeah, we can do a mobile app,'" Thoman said. "It will cost about \$20,000 and then you'll have to maintain it for about \$200 each month.' When the

chief heard that he about fell over; it was pretty expensive. Obviously that was discouraging, and I wasn't sure where to go from there."

Thoman didn't give up, though, and contacted another local media company that does some web design and advertising to see if they could advise him.

"They said, 'The days of paying \$20,000 for someone to create an app for you are over,'" Thoman said. "You can go to any app-making website on the Internet and make your own.' To somebody like me, that was kind of intimidating, I'm not tech savvy, I guess you'd say."

Thoman, an Apple iPhone user, said he began searching the mobile app store for other agencies that might have an app similar to what he envisioned for Florence. The first he found in Kentucky belonged to the Ashland Police Department.

### PUSH NOTIFICATIONS

Ashland Police launched its app in 2012, and Chief Rob Ratliff said one of the most significant benefits is the ability to push out notifications to the public.

"Ours was developed in house, so we were able to tailor it to our specific needs — the info we wanted to push out and the

different avenues we wanted people to give us input on," Ratliff said.

The app allows citizens to report criminal activity through tips and photos, link to news updated through the agency's other social media platforms and provides easy access to the department's contact information. There also are a variety of resources available to officers that cannot be accessed by the public, such as schedules and statutes — something Ratliff said has been a benefit in house as well.

"I think we were probably the first one in the state to have our own app," Ratliff said. "It's working great. Anytime we have something going on, whether it's a crash and we want people to avoid a certain area or even when we're doing exercises in the school, we are able to use push notifications to get that information out, so people don't get all bent out of shape when they see police cars and emergency vehicles at a school."

Florence's Thoman spoke with the Ashland officer who created the agency's app, and the information helped light a fire under the Florence project. In early 2014, Thoman teamed up with a new Florence Officer, Justin Reynolds, who had a technology background. Reynolds' expertise combined with Thoman's research and planning, and the project quickly moved from idea to an Apple-approved app.

"It has been a process for us," Thoman said. "We spent some time thinking about what people would want. 'I think it's going to be a great way to disseminate information.'"

Some of the ways FPD plans to use the app include:

- Push notifications for real-time communication about major traffic congestion, critical missing persons and natural-disaster announcements
- Press releases
- Links to important websites, like the city page and Kentucky State Police sex offenders page
- Crash report information
- Silent witness tip submissions
- Forms for citizens to applaud officers
- Resources for officers

There will be no shortage of information available to the public. Florence Police Public Information Officer Capt. Tom Grau said before the app's launch if he wanted to distribute information, he sent press releases to the media, logged in to Facebook and created posts and then sent info out through the agency's Twitter feed. Now the app allows him to do all that in one shot.

"I think the biggest impact the app will have for us is getting information out there quicker," Grau said.

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- At 100 million accounts, Facebook is the most popular social media site in the world.
  - One million accounts are added every day.
  - Americans spend an average of 40 minutes per day on Facebook.
  - Thirty percent of Facebook users ONLY login from a mobile device.
  - Social media accounts for more than one in every four minutes spent online.
  - More than 819 million users access Facebook through mobile devices.
  - YouTube is the second largest search engine in the world.
  - The "like" button is clicked 3,125,000 times every minute on Facebook.
  - Instagram has already had more than 16 billion photos uploaded since debuting in 2010.
  - Forty percent of Twitter users have earned a bachelor's degree.
  - Eighty percent of world leaders use Twitter.
  - The fastest growing demographic on both Facebook and Google+ is the 45-54 age bracket.
  - YouTube reaches more adults in the United States between the age of 18 and 34 than any cable network.
  - People in New York City received tweets about the August 2011 earthquake in Mineral, Virginia 30 seconds before they felt it.
  - Facebook users watch more than 500 years' worth of YouTube video every day.
  - If Facebook were a country it would have the world's third largest population and twice the population of the United States.
  - Pinterest hit 10 million monthly unique visitors faster than any independent site in history.
  - Approximately 47,000 apps are downloaded from Apple every minute.
  - Twenty-five percent of Facebook users do not bother with any kind of privacy control.
  - The Library of Congress archives all tweets for research and preservation.
  - It took radio 38 years to reach 50 million users; Facebook added more than 200 million users in less than a year.
- See more at: <http://www.iacpsocialmedia.org/Resources/FunFacts.aspx#sthash.3jxdMHnPDpuf>



# Balancing Act

## MODERN SOCIAL MEDIA AND THE LAW

SHAWN HERRON | STAFF ATTORNEY, DOCJT

Social media is a broad term for a means of communication that dominates the news on a regular basis. Be it Facebook, Instagram, Twitter or any other method, everyone from children to the elderly are using it. As such, it comes on the law enforcement radar in a number of ways. Since these technologies are relatively new, in the sense of legal precedent, Kentucky law enforcement agencies and the courts are still finding their way in how to manage the use of social media in everything from investigations to child custody to employment. Facebook, specifically, has been mentioned in recent years in a number of Kentucky and Sixth Circuit Court of Appeals cases.

Social media has been used, in many cases, by child sex offenders to interact with their victims, who may live in other states. In *U.S. v. Melchor*, 515 Fed.Appx. 444 (6<sup>th</sup> Cir. 2014), the defendant made contact with his 12-year-old victim through an online game, and continued their interaction through Facebook. The contact became sexual in nature. When investigating the situation, which had been brought to the attention of law enforcement through the victim's mother, they learned the defendant was a registered sex offender. With a search warrant, they discovered a computer and storage media, which contained child pornography. The recovery of Facebook chats showed that he was aware of the victim's age, and he intended to have a sexual relationship with her.

Of course, social media is an easy way to convey threats. In *U.S. v. Jeffries*, 692 F.3d 473 (6<sup>th</sup> Cir. 2014), Jeffries, who was "tangled in a prolonged legal dispute" over his child, wrote a song that among

other things, threatened to kill the judge if he failed to "do the right thing" in the case. (He also encouraged others in a similar situation to bomb judges' cars.) He recorded a video of himself performing the song and posted it on YouTube, as well as posting the link on Facebook and sharing it with 29 fellow Facebook users. He removed it 25 hours later but it was too late, a relative of his ex-wife had already shared it with the judge. He found himself under the scrutiny of law enforcement, which charged him with violation of a federal law — 18 USC §875(c) — which prohibits the transmission of "interstate or foreign commerce any communication containing any threat to ... injure the person of another." To satisfy the elements of the statute, the threat must be objectively real and a reasonable person must perceive it as a true threat. Despite Jeffries' argument to the contrary, the Court agreed that his subjective specific intent was immaterial. Although context is important, it is the conveyance of a true threat, rather than, for example, a

rhetorical one, that is the critical element of the offense. Further, his method of disseminating the video indicated that it was perceived to "reach the judge and influence his decision." The statute does not require that the intended target actually learn of the threat, and multiple individuals received the communication. (The case also indicates a minor concern about venue, but in this case, at least two of the directed recipients lived in the Eastern District of Tennessee, where the case was prosecuted.) In a similar case, *Simmons v. Com.*, an unreported Kentucky case from 2013, a chat session from Facebook, printed out, was used as evidence in a child-sexual assault case. The detective had further communicated with Facebook regarding the retrieval of messages. Simmons argued that the messages (the copy printed out by the victim's father, and two obtained by search warrant from Facebook's corporate office) were not properly authenticated prior to admission. Under the Kentucky Rule of Evidence 901, the Court agreed they >>

*Since these technologies are relatively new, in the sense of legal precedent, Kentucky law enforcement agencies and the courts are still finding their way in how to manage the use of social media in everything from investigations to child custody to employment.*



>> were properly authenticated by the detective's testimony, however.

Facebook shows up in unexpected places and ways in criminal investigations. In U.S. v. Slone, an unreported U.S. District Court case, Slone argued that an encounter with law enforcement at his home was unwarned and custodial, and hence that any statements he made during that time were inadmissible. The Court looked at a number of factors to determine whether the situation, which occurred at his home and in the presence of his wife, was custodial, and noted, among those factors, that Slone's wife was allowed to readily access Facebook to show officers photos of other individuals identified as possible suspects. In U.S. v. Kettles, 517 Fed.Appx. 513 (6<sup>th</sup> Cir. 2013) the subject posted a video that showed him throwing a large amount of currency onto the floor. He admitted in a chat with a friend, and later admitted into court that the money was fake. He ultimately was prosecuted for counterfeiting and the admission of the video, as well as the chat, were upheld in an appeal.

In several cases, progeny of Perry v. New Hampshire, 132 S.Ct. 716 (2012) the Court noted that witnesses may encounter photos of potential suspects by means out of the control of law enforcement, such as a mug shot posted to the news media or Facebook, and that issue might be used to challenge a subsequent identification. The courts have agreed, however, that "police cannot be expected to monitor all news stations, private conversations, Facebook posts, tweets, online discussions or other forms of communication to which a witness might be exposed." Carter v. Com., unreported Ky. case, 2013)

In domestic cases, social media postings regularly are used, and certainly some of those matters might be brought to the attention of law enforcement when they suggest inappropriate behaviors or neglect involving children. When such postings are either intentionally made public by the poster, or brought to the attention of a law enforcement agency by a private recipient

of the information, they are certainly subject to being used as evidence.

In proactive law enforcement, agencies should be aware of upcoming activities that might present law

enforcement challenges. A spontaneous group, perhaps a gathering originally intended to be peaceful, might quickly become a mob when social media, such as Facebook or Twitter, is used to disseminate it to a widespread audience. In an unusual case, a Facebook invitation to a fraternity event at Murray State University, became the center of a case in which an ejected partygoer claimed that the wording of the "evite" made the event open to the general public and subject to the provisions of the Kentucky Human Rights Act. (The partygoer alleged he was ejected because of race.) The Court, however, in viewing an image of the evite, disagreed, noting that the evite included several legally-limiting provisions for admission to the party. In the summer of 2014, a Louisville teenager started a rumor that a "purge" would occur — a rumor based upon a movie in which everyone in the nation is allowed, without any ramifications, during a designated time period, to commit any crime. Fortunately, nothing occurred, but the ensuing frenzy, as it was widely shared via social media, triggered concerns of flash mob violence and the cancellation of at least one high school event. Of course, it also made for additional expenditures as additional officers were assigned to work during the time frame, although the agency already was more heavily staffed than usual as this occurred over a weekend of the Kentucky State Fair.

Employment related case law relating to Facebook breaks out into three categories: discipline, wage and hour and disability. For example, an officer's use of Facebook in ways that reflect upon the agency might violate a policy against such use, although it can be problematic when other individuals take photos of an officer and "tag" them by name, as that would be outside the control of the officer. Many agencies prohibit officers from posting photos of themselves in uniform, or from indicating that they work for a police agency. As more agencies actually use Facebook, having a public agency page, it is necessary to have the ability to monitor the page, depending upon the need, on a clock-round basis, to post information, as well as the advisability, if the public is allowed to post or comment, of having a member of the agency monitor the site for inappropriate postings. Although not a law enforcement case, in Whitlock

v. FSL Management, LLC, a 2012 federal District Court case from Kentucky, the Court had concerns with certain activities required of employees for which they were not compensated, including promoting the employer using social media, including Facebook. And, of course, photos and postings of employees who are engaged in activities not consistent with a claimed injury or disability are certainly sure to be used in subsequent actions questioning the validity of that claim. In Jaszczyszyn v. Advantage Health Physician Network, 504 Fed. Appx. 440 (6<sup>th</sup> Cir. 2012), the subject was on Federal Medical Leave Act when co-workers, who were "friends" on Facebook, saw posted photos of her drinking at a local festival. When challenged by her employer about her claim of complete incapacitation and what was shown by the photos, she offered little defense. Despite her argument that the employer was retaliating against her for taking FMLA in the first place, the Court agreed that the employer appeared to be handling her FMLA claim appropriately and until her medical condition was challenged, had intended to continue to honor her FMLA rights.

Facebook and similar social media sites, however, also can be used effectively in criminal investigations and other law enforcement activities. In missing person's cases, for example, it is an additional way, outside the conventional media, to share information concerning a missing subject or a specific crime, although care should be taken with respect to the information included in such postings. (It is also difficult to stop its dissemination, however, once the subject is located or the investigation is resolved.) In some cases, the most current photo of a missing subject will be found on a social media site, although assistance may be needed from family or friends to access the site. These postings may become an issue, however, when, as in Sluss v. Com., 381 S.W.3d 215 (Ky. 2012), potential jury members may have become aware of facts through social media. The case was very high profile in the community and was the subject of much discussion on Facebook and Topix, among other sites. Two of the jurors were identified as "friends" of the victim's mother. The Court acknowledged, however, that the victim's mother had nearly 2,000 friends and that "friendship"

on Facebook does not necessarily suggest any true relationship. Further, the county in which the crime occurred had such a small population that it would be expected that most residents would have connections of varying degrees. The Court, noting the unsettled nature of the law in that area, however, remanded the case to the trial court for further proceedings to explore the degree to which the jurors' relationships might have influenced their actions in the case.

With the pervasive ability of people to be constantly connected to its various forms, social media is not going away. It's ability to become both a hindrance, and a help, in law enforcement investigations, must be appreciated, so that it can be used effectively. All law enforcement officers, even those who are not themselves social media users, must be aware of how social media use might affect their community. 🐦

